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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,512	02/15/2002	Blake James Nylund	17792	8935

7590 12/16/2004

Tyco Technology Resources  
Suite 450  
4550 New Linden Hill Road  
Wilmington, DE 19808-2952

EXAMINER
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DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/075,512	NYLUND, BLAKE JAMES	
	<b>Examiner</b>	<b>Art Unit</b>	
	PHUOC H DOAN	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-9 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 10 and 16 is/are rejected.
- 7) ☒ Claim(s) 11-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/15/02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informalities: the claim 18 was depend on the claim 18. Examiner assumed that the claim 18 is depend on the claim 17. Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments, see Applicant's Remark, filed on dated 08/23/2004, with respect to the rejection(s) of claim(s) 10 and 16 under Cromer et al. (US Pub No. 2003/0156558) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Comstock et al. (US Pub No. 2002/0183038).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Comstock et al. (US Pub No. 2002/0183038)

**As to claim 10**, Comstock et al. disclose a method of distributing data in a network comprising a plurality of mobile nodes and at least a first fixed node (FIG. 1, col. 2, par. [0019-0021]), wherein at least a portion of the network for communicating with said mobile nodes is wireless (col. 2, par. [0021-0022]), said method comprising the steps of: (1) said mobile nodes issuing requests via said wireless portion of said network for data from said fixed node (col. 4, par. [0032-0033]); (2) responsive to receipt of said requests, said fixed node transmitting said data via said wireless portion of said network to said mobile nodes from which it receives said requests (col. 4, par. [0032-0035]); (3) if a mobile node does not receive said data requested in step (1) from said fixed node (col. 5, par. [0039-0042]), said mobile node issuing a request for said data from other mobile nodes (col. 4, par. [0033-0036]); and (4) if another mobile node receives said request issued in step (3) and has said requested data (col. 3, par. [0024-0025]), said another mobile node transmitting said requested data to said requesting mobile node (col. 4 through col. 5, par. [0033-0042]).

**As to claim 16**, Comstock et al. disclose the method of claim 10 further comprising a second fixed node wherein said second fixed node cannot communicate directly with said first fixed node (col. 4, par. [0032-0033]), said method further comprising the step of: (6) transmitting data from a mobile node to said second fixed node when said mobile node comes within wireless

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transmission range of said second fixed node (col. 4 through col. 5, par. [0033-0041]).

***Allowable Subject Matter***

5. The following is an examiner's statement of reasons for allowance:

Claim 1, 3-9, and 17-20 are allowed.

**As to claim 1**, Comstock et al. and Brederveld et al., alone or in combination, do not disclose a method of distributing data in a network comprising a plurality of mobile nodes and at least a first fixed node, wherein at least a portion of the network for communicating with said mobile nodes is wireless, said method comprising the steps of: (1) transmitting data via said wireless portion of said network from said fixed node to at least a first of said mobile nodes that is within wireless transmission range of said fixed node; and (2) transmitting said data from said first mobile node to a second of said mobile nodes responsive to said first mobile node coming within wireless transmission range of said second mobile nodes, and (3) before performing step (2), determining if said second mobile node already has said data; wherein step (2) is performed only if said second mobile node does not already have said data.

6. Claims 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**As to claim 11**, the prior of record do not disclose the method of claim 10 further comprising the steps of: (5) each said mobile node maintaining a list of data items that are to be synchronized on said nodes of said network.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bahl et al. (US Pub No. 2004/0223469) disclose "System and method for concurrent operation of a wireless device in two disjoint wireless networks".

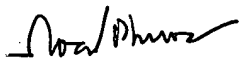
English et al. (US Pub No. 2003/0036374) disclose "Wireless local area network using impulse radio technology to improve communication between mobile nodes and access points".

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H DOAN whose telephone number is 703-305-6311. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LESTER G KINCAID can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phuoc Doan

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12/09/04

  
12/13/04  
LESTER G. KINCAID  
PRIMARY EXAMINER